

Order

Michigan Supreme Court
Lansing, Michigan

November 1, 2006

Clifford W. Taylor,
Chief Justice

128882 & (117)(118)(123)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

46TH CIRCUIT TRIAL COURT,
Plaintiff, Counter-Defendant,
Third-Party Plaintiff-Appellee,

v

SC: 128882
COA: 254181
Crawford CC: 02-005951-CZ

COUNTY OF CRAWFORD and CRAWFORD
COUNTY BOARD OF COMMISSIONERS,
Defendants, Counter-Plaintiffs,
Third-Party Plaintiffs,

and

COUNTY OF KALKASKA,
Third-Party Plaintiff,
Counter-Defendant,

and

COUNTY OF OTSEGO,
Third-Party Defendant-Appellee,

and

COHL STOKER TOSKEY & MCGLINCHEY PC,
Appellant.

By order of December 28, 2005, the application for leave to appeal the May 3, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *46th Circuit Trial Court v Crawford County* (Docket No. 128878). On order of the Court, the case having been decided on July 28, 2006, 476 Mich 131 (2006), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE in part the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals, which shall hold this case in abeyance pending its decision on remand in *46th Circuit Trial Court v Crawford County* (Court of Appeals Docket Nos. 246823, 248593 and 251390). If, after *46th Circuit Trial Court v Crawford County* is decided on remand, the Court of Appeals determines that Kalkaska and Crawford Counties are responsible for the 46th Circuit Trial Court's attorney fees, the Court of Appeals shall

reconsider whether Kalkaska and Crawford Counties should be liable for sanctions when they will be responsible for the fees of the attorneys that responded to the sanctionable pleadings. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

The motions for immediate consideration and for peremptory reversal are DENIED. The remaining motion for miscellaneous relief is GRANTED. A public question being involved, and in light of the relationships between the parties, no costs are awarded.

KELLY, J., would deny leave to appeal.



d1025

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 1, 2006

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk